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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,783	02/10/2004	Marcel E. Crettet IV	POSPAT001US	9367
7590 01/20/2006			EXAMINER	
John R. Casperson PO Box 2174 Friendswood, TX 77549			EARLY, MICHAEL JACOBY	
			ART UNIT	PAPER NUMBER
			3744	
DATE MAILED: 01/20/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/775,783

Applicant(s)

CRETET, MARCEL E.

Examiner

Michael J. Early

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15, 17, 22-39 and 41-43 is/are rejected.
- 7) ☒ Claim(s) 14, 16, 18-21, 40 and 44-46 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/13/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### **Drawings**

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they: 1) do not include the following reference sign(s) mentioned in the description: valve (117) and means for indicating (88); and 2) include the following reference character(s) not mentioned in the description: "17" (as seen in Figure 12) . Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Sheets" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

### **Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 5, 9 – 11, 22 – 32 and 41 – 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Cunha et al. (U.S. 2002/0023457).

Cunha et al. disclose:

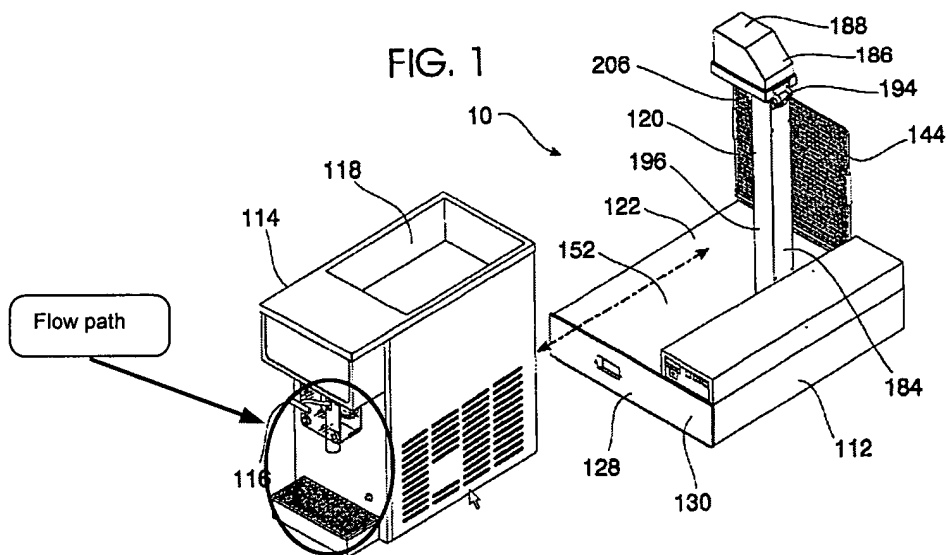
- a reservoir means comprising of:
  - an upper and lower portion (as seen in the illustration of Figure 2 below);
  - a collapsible bag (158 – flexible membrane bag);
  - a sidewall supporting the collapsible bag (as seen in the illustration of Figure 5 below) that is:
    - thermally insulated (see page 2, paragraph 0043);
    - of one-piece construction (as seen in Figure 5);
- a refrigeration means comprising of:
  - a chiller (124 – cavity) that has:
    - a chiller surface (as seen in the illustration of Figure 5 below) that:
      - supports a lower portion of the collapsible bag (as seen in Figures 2 and 4);
      - faces the liquid in the reservoir means (as seen in Figures 2 and 4);
    - at least a portion of the chiller surface is sloped with respect to vertical (as seen in Figure 5 – the surface is at a 90°-slope with respect to the vertical direction);
    - an opposed pair of chiller surface portions which are sloped with respect to vertical and form a U-bend (as seen in Figures 2, 5, 6);
  - a compressor (136 – compressor) that is positioned in the housing beneath the container (as seen in the illustration of Figure 5 below) and comprises:

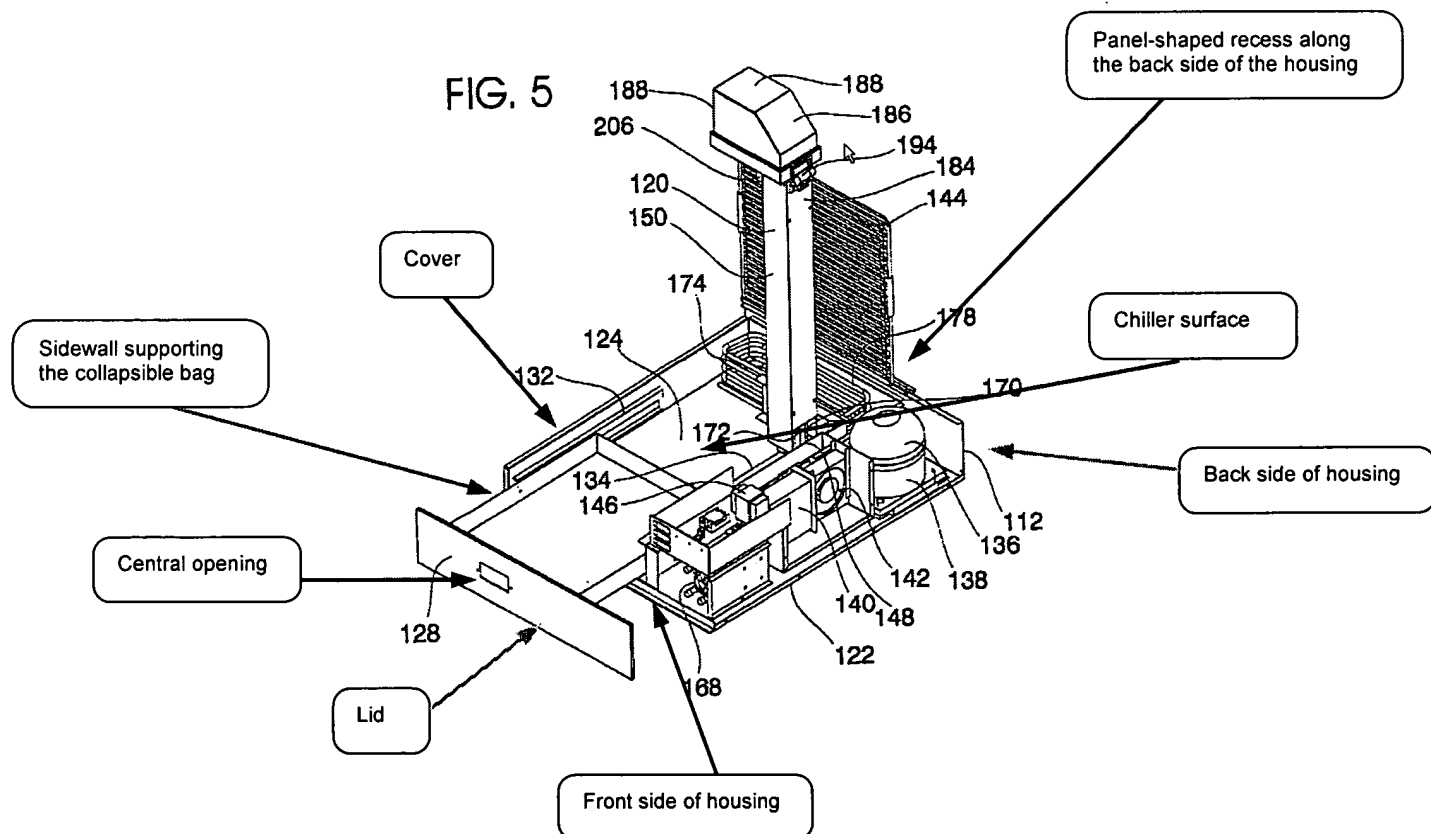
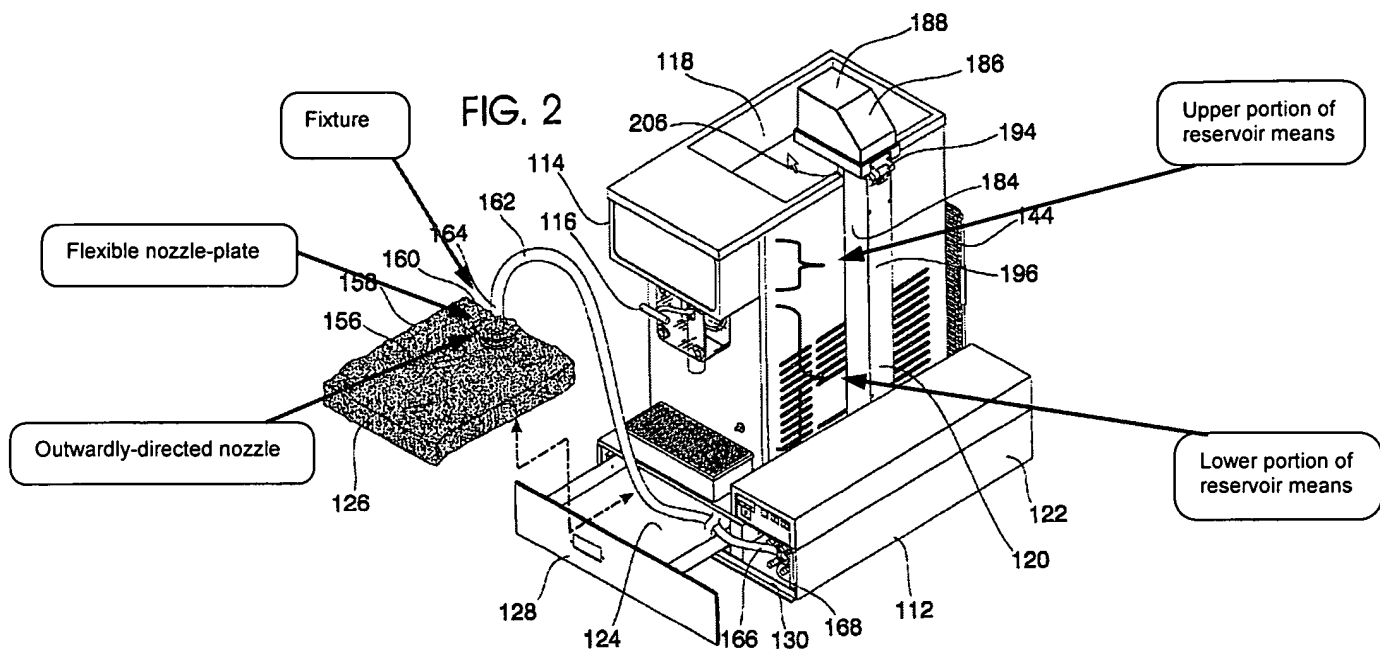
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- a sensor and alarm device (sensor) which both are operatively associated with an inside of the container (see page 3, paragraph 0056);
- a condenser coil (144 – condenser coils) that is:
  - positioned in a panel-shaped recess along the back side of the housing (as seen in the illustration of Figure 5 below);
  - panel-shaped (as seen in Figure 5);
- a dispenser means comprising of:
  - a flow path (as seen in the illustration of Figure 1 below) that:
    - flows from the lower portion of the reservoir means to an outside of the cooler and dispenser unit (as seen in the Figures 2 – 7);
    - includes a fixture (as seen in the illustration of Figure 2 below) that:
      - is carried by the sidewall of the collapsible bag (as seen in Figures 2 and 4);
      - includes a flexible nozzle-plate (as seen in the illustration of Figure 2 below) having:
        - greater rigidity than the sidewall on which it is carried (inherent);
        - an outwardly facing surface (as seen in Figure 2);
        - at least one outwardly-directed nozzle on the outwardly facing surface (as seen in the illustration of Figure 2 below);
- a housing (122 – housing) that:
  - supports the chiller (as seen in Figure 5);
  - has a front side and back side (as seen in the illustration of Figure 5 below);
- a container (128 – drawer) that:
  - is positioned and slidably received in front side of the housing (as seen in Figure 5);

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- a lid (as seen in the illustration of Figure 5 below) that:
  - is positioned on the upper end of the sidewall supporting the collapsible bag (as seen in the illustration of Figure 5 below);
  - has a central opening (as seen in the illustration of Figure 5 below);
- a cover at least partially laterally surrounding the housing, the chiller and the sidewall supporting the collapsible bag (as seen in the illustration of Figure 5 below);





**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 6 – 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cunha et al.

As seen in Figures 1 – 4, Cunha et al. disclose that the receptor located beneath the dispense handle (116) is trough-shaped. Further disclosed is that the apparatus' cavity (124) is thermally insulated and flat (see page 2, paragraph 0043; Figures 2, 5). Cunha et al. further disclose that the device's flexible membrane bag (158) has four sides, a top and bottom, and is made of but not limited to plastic (see page 3, paragraph 0046).

The selection of a known material based on its suitability for its intended use supported a prima facie obviousness determination in *Sinclair & Carroll Co. v. Interchemical Corp.*, 325 U.S. 327, 65 USPQ 297 (1945) (Claims to a printing ink comprising a solvent having the vapor pressure characteristics of butyl carbitol so that the ink would not dry at room temperature but would dry quickly upon heating were held invalid over a reference teaching a printing ink made with a different solvent that was nonvolatile at room temperature but highly volatile when heated in view of an article which taught the



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desired boiling point and vapor pressure characteristics of a solvent for printing inks and a catalog teaching the boiling point and vapor pressure characteristics of butyl carbitol. "Reading a list and selecting a known compound to meet known requirements is no more ingenious than selecting the last piece to put in the last opening in a jig-saw puzzle." 325 U.S. at 335, 65 USPQ at 301.). See MPEP 2144.07.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the liquid storage apparatus of Cunha et al. by making the bottom surface of the chiller trough-shaped, as further implied by Cunha et al., for aesthetic purposes.

Claims 12, 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cunha et al. as applied to claim 11 above, in view of Savage (U.S. Re. 32, 354).

However, Cunha et al. do not disclose:

- a valve assembly unit attached to the nozzle and operable to selectively stop and start flow of fluid through said flow path;
- a valve-plate having a front side and a back side and a faucet protruding from the front side, said faucet and valve plate defining a flow path for fluid through the valve assembly unit from a fluid inlet on the back side of the valve-plate to an outlet at an outlet end of the faucet, wherein the nozzle carried by nozzle-plate sealingly engages the liquid inlet on the back side of the valve-plate;
- a plurality of latch elements and the back side of the valve plate carries a matching plurality of latch elements engaged with the plurality of latch elements on the
- nozzle-plate so that the valve-plate is latched to the nozzle-plate.

Savage teaches of a container for holding a fluid and the means for dispensing the fluid (see col. 1, lines 11 – 17). Further disclosed is that a probe (66), hose (72) and

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dispenser nozzle, are all connected to the container (10) via a spout (26) (see col. 4, lines 28 – 42; Figures 1, 2, 5). Further disclosed is that a check valve (86); which is comprised of a front side and back side; is located within the probe (as seen in the illustration of Figure 2 below). Savage further discloses that sealing ribs (54) and locking ribs (94) are used to latch the probe and spout together with one another (as seen in Figure 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the existing liquid storage apparatus of Cunha et al. by incorporating a check valve, dispensing nozzle and sealing and locking ribs; as taught by Savage; in order to provide a means to properly regulate the fluid contained within and seal together the apparatus (see col. 4, lines 1 – 59; Figures 1, 2, 5).

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cunha et al. as applied to claim 32 above, in view of Fortier, Jr. et al. (U.S. 6,131,861).

However, Cunha et al. do not disclose:

- the collapsible bag for containing the liquid has an open upper end which is roller over an upper end of the sidewall supporting the collapsible bag and the lid sandwiches the upper end of the collapsible bag between the upper end of the sidewall and the lid.

Fortier, Jr. et al. teach of a bag holder comprising an adjustable frame assembly to maintain a top end of a lawn/leaf bag in an open position while supporting the bottom end of the lawn/leaf bag in a wheeled supporting structure (see Abstract; col. 1, lines 4 – 8). Further disclosed is that the bag holder is comprised of two adjustable collars (20, 22), which when used in combination, allows the top end (14) of the lawn/leaf bag (16) to be folded over and mounted upon an upper end of supporting structure (18) (see col. 5, lines 4 – 13; Figures 1, 2).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the existing liquid storage apparatus of Cunha et al. by incorporating a bag that folded over and was supported by the upper end of the apparatus; as taught by Fortier, Jr. et al.; in order to provide: a storage bag that is simple, easy to use and inexpensive (see col. 4, lines 26 – 30) as well as added support for the contents placed within the bag.

Claims 34 – 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cunha et al. in view of Fortier, Jr. et al. as applied to claim 33 above, and in further view of Butsch et al. (U.S. 6,101,835).

However, Cunha et al. in view of Fortier, Jr. et al. do not disclose:

- a water bottle positioned upside down partially through the central opening of the lid to supply water to the inside of the collapsible bag;
- a filtration module positioned in covering relationship with the lid, said filtration module having an inlet for receipt of water from a building water system at least one filter to filter the received water, and an outlet to supply filtered water through the central opening of the lid to the inside of the collapsible bag, an inlet valve to control flow of water through the filtration module, means for sensing when a fluid level in the collapsible bag has fallen to a predetermined lower limit and producing an output signal in response thereto to open the inlet valve and cause flow of water through the filtration module and into the collapsible bag, and sensing when the liquid level in the collapsible bag has risen to a predetermined upper limit and terminating the output signal to close the inlet valve and stop flow of water into the collapsible bag;
- a filtration module positioned alongside the sidewall supporting the collapsible bag, said filtration module having an inlet for receipt of water from a building water system and at least one filter to filter the received water, an outlet conduit means to supply filtered water from the filtration module to the inside of the

collapsible bag, a water supply line to carry water from the building water system to the filtration module, a coupling to connect the water supply line to the inlet of the filtration module, a valve to control flow of water through the water supply line, a means for sensing when a fluid level in the collapsible bag has fallen to a predetermined lower limit and producing an output signal in response thereto to open the valve and cause flow of water through the filtration module and into the collapsible bag, and sensing when the fluid level in the collapsible bag has risen to a predetermined upper limit and terminating the output signal to close the valve and stop flow of water into the collapsible bag;

- the coupling is a quick-connect coupling so that the filtration module can be quickly connected and disconnected from the water supply line;
- the outlet conduit means includes a conduit section mounted to the lid to supply filtered water to the inside of the collapsible bag and a quick-connect coupling to connect such conduit section to the filtration module;
- the means for sensing comprises a pressure switch positioned between the outside of the collapsible bag and the sidewall supporting the collapsible bag near a lower portion of the collapsible bag, said pressure switch beginning to transmit an electrical signal to actuate the valve when sensed pressure falls to a predetermined lower limit and ceasing to transmit the electrical signal when sensed pressure reaches a predetermined upper limit.

Butsch et al. teach of a water cooler that provides hot water, cold water and icemaking capabilities (see col. 1, lines 9 – 11). Further disclosed is that a water bottle (12) is inverted upon the top wall (15) of the cooler's outer cabinet (14) (see col. 4, lines 8 – 14; Figure 1). Butsch et al. further disclose that the water cooler is comprised of: an E-Coli purification module (88), particulate filter module (89), inlet fitting (83), outlet upon the filter module (obviously found upon the filter module as seen in Figure 3), moisture-detecting sensor (79) and sensor (21). Butsch et al. further disclose that the cooler is

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also comprised of: an outside source (81), ambient line (90), ice water line (92) and chamber exit line (87).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the existing liquid storage apparatus of Cunha et al. in view of Fortier, Jr. et al. by incorporating: purification and filtration modules, inlet and outlet conduits, an inlet fitting, a pressure regulating valve and water and ice lines; as taught by Butsch et al.; in order to properly route and cleanse the water and ice found within the water cooler.

#### **Allowable Subject Matter**

Claims 14, 16, 18 – 21, 40 and 44 – 46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Jacquot et al. (U.S. 4,995,975) teach of a device for filtering and purifying tap water in combination with a conventional water cooler and bottle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Early whose telephone number is (571) 272-3681. The examiner can normally be reached on Monday - Friday, 7am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on (571) 272-4834. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJE  
1/18/06

Michael J. Early  
Patent Examiner  
Art Unit 3744



**MARC NORMAN  
PRIMARY EXAMINER**